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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,913	03/26/2004	Mauro Adami	035170-9002-02	9409
23409 7590 03/23/2007 MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER CHOI, STEPHEN	
			ART UNIT	PAPER NUMBER
			3724	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/810,913

Applicant(s)

ADAMI, MAURO

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/8/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-40 and 43-66 is/are rejected.
- 7) ☒ Claim(s) 41 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/433,320.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The full name of each inventor (family name and at least one given name together with any initial) has not been set forth.

Allowable Subject Matter

2. The indicated allowability of claims 38-40 and 43-66 is withdrawn in view of the newly discovered reference(s) to Wadey (US 3,059,842). Rejections based on the newly cited reference(s) follow. Any inconvenience caused by this late notice is regretted.
3. Claims 41-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 38-40, 49-52, 54-57, and 65-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Wadey.

Wadey discloses all the recited elements of the invention including a cutting assembly including a cutting cylinder having a length (e.g., 10) including a plurality of independently actuated blades (e.g., 16) wherein at least one blade operable to sever and at least one blade remaining retracted during a full rotation of the cutting assembly (e.g., the element 16 is independently actuated and at least one blade is capable of being retracted during a full rotation while at least one blade is operable to sever the workpiece). Regarding claims 39, 51, and 57, an opposing member (e.g., 14). Regarding claims 40, 52, and 56, a plurality of actuators housed in an axis cavity (e.g., Figure 5).

6. Claims 38-39, 45-51, 53-58, and 62-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Hallberg et al. (US 4,742,741).

Hallberg discloses all the recited elements of the invention including a cutting assembly having a length (e.g., 24) including a plurality of independently actuated blades (e.g., 268) wherein at least one blade operable to sever and at least one blade remaining retracted during a full rotation of the cutting assembly (e.g., the blades are independently and selectively actuated). Regarding claims 39, 51, and 57, an opposing member (e.g., 28). Regarding claims 45, 53, and 62, a pivoting part (e.g., 300). Regarding claims 46, 48, and 63, e.g., see Figures 1-2. Regarding claims 47 and 64, a stop (e.g., 308). Regarding claim 56, a plurality of actuators (e.g., 304, 334). Regarding claim 58, a first fulcrum (e.g., Figure 2) and a second fulcrum (e.g., at 110).

Claim Rejections - 35 USC § 103

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 43-44 and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wadey.

Wadey discloses the invention substantially as claimed except for rotary distributors and solenoid valves. Instead, Wadey teaches a selective control device with a pneumatic card sensing device connected with a plurality of control signal input ducts. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ rotary distributors and solenoid valves on the device of Wadey since the examiner takes Official Notice on the use of rotary distributors and solenoid valves as old and well known in the art for the purpose of controlling flow of fluid. Helmstadter shows an example of such rotary distributors and solenoid valves.

9. Claim 59 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Hallberg.

Hallberg discloses the invention substantially as claimed except for ball joints. However it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ ball joints on the device of Hallberg since the examiner takes Official Notice on the use of ball joints as old and well known in the art

for the purpose pivotally joining two parts. Pabodie and Jacquier show examples of a ball joint.

Response to Arguments

10. Applicant's arguments with respect to claims 38-66 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pabodie, Jacquier, and Helmstadter.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

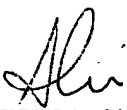
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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SC
14 March 2007


STEPHEN CHOI
PRIMARY EXAMINER